HCJ & BNJ

W.A.No.2332 of 2005

(**Per Hon'ble G.S. Singhvi, CJ)**

This is an appeal for setting aside order dated 3.11.2005, by which the learned single Judge dismissed the writ petition filed by the appellant questioning the letter dated 24.10.2005 issued by the single trustee of Sri Gidda Anjaneya Swamy Temple, Tarapuram, for initiation of proceedings under Section 133 of A.P. charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act').

A perusal of the record shows that the appellant had questioned the proceedings initiated by the Officer concerned by alleging that endorsement of copy of that letter to Sub-Inspector of Police, Peddakaduburu Police Station amounted to a threat to him to handover the properties belonging to the temple.

The learned Single Judge, after taking cognizance of the contents of the letter dated 24.10.2005 came to the conclusion that the officer concerned did not commit any illegality by indicating that if the petitioner (appellant herein) fails to handover the property of the temple to the Executive Officer, who had been appointed as single trustee, proceedings under Section 133 of the Act would be initiated.

We have heard learned counsel for the appellant and carefully perused letter dated 24.10.2005 and are of the view that the learned single Judge did not commit any illegality by refusing to entertain the appellant's challenge to the proceedings initiated by respondent No.2 under Section 133 of the Act. It is an admitted fact that the appellant had challenged the appointment of Executive Officer as single trustee of the temple in Writ Petition No.17265 of 2005, but could not persuade the Court to grant interim relief. As a consequence, he incurred the liability of handing over property of the temple to the single trustee. Therefore, it is not possible to find any

fault with communication dated 24.10.2005.

For the reason stated above, the appeal is dismissed. It is, however, made clear that the observations made by the learned Single Judge in his order dated 3.11.2005 and this order shall not cause any prejudice to the appellant and he shall be entitled to avail appropriate legal remedies against the action taken under Section 133 of the Act.

G.S. SINGHVI, HCJ

1st December, 2005

BILAL NAZKI, J

ars/vtv